

United States District Court
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DUSTIN MITCHELL, #02221593

Plaintiff,

v.

DENTON COUNTY, et al.,

Defendants.

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Civil No.: 4:18-cv-399-ALM-KPJ

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #87), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636.

Pending before the Court is Defendants Denton County, Sheriff Tracy Murphree, Sergeant Inman, and Sergeant Cordell’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (the “Motion”) (Dkt. #62). In the Report, the Magistrate Judge recommended the Motion be granted and Plaintiff’s lawsuit be dismissed with prejudice. The Magistrate Judge further recommended that this dismissal be counted as a strike pursuant to 28 U.S.C. § 1915.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

IT IS ORDERED that :

1. The Motion (Dkt. #62) is **GRANTED**;
2. This lawsuit is **DISMISSED WITH PREJUDICE**;

3. Plaintiff is advised that this dismissal counts as a strike under 28 U.S.C. § 1915.

All relief not previously granted is hereby DENIED.

IT IS SO ORDERED.

SIGNED this 31st day of March, 2022.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE